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v. *Estill and Newman*, 118 Tenn. 40. This however, gives the wrongdoer a surviving interest in property which it is by no means certain he would have gotten but for his crime. A means of avoiding the difficulty is to hold the husband a constructive trustee during his life of the interest which was his wife's, and on his death to give the entire estate to the heirs of the wife, on the presumption that she would have outlived him but for his causing her death. This theory is advanced by James Barr Ames in 36 AMER. L. REG. and REV. (N. S.) 225, 238.

WORKMEN'S COMPENSATION—ADMIRALTY—RIGHT TO COMPENSATION.—Petitioner, a longshoreman in the service of defendants who were stevedores, was injured while unloading a ship lying at a dock in navigable waters. He claimed compensation under the state Workmen's Compensation Act. On the ground that such Acts are not applicable to injuries received while within the jurisdiction of admiralty the court decided that petitioner should not recover. On rehearing it was *held* that under the Amendment of October, 1917 (Act of Congress October 6, 1917, c. 97, 40 Stat. 395) of the Judicial Code, petitioner should recover. *Veasey v. Peters, et al.*, (La., 1918), 77 So. 948.

The first decision was, of course, based on *Southern Pacific Co. v. Jensen*, 244 U. S. 205. See comment thereon in 15 MICH. L. REV. 657. The Supreme Court there held that such state legislation does not extend to navigable waters over which there is admiralty jurisdiction, and further that a claim for compensation under the Act is not a "right of a common-law remedy" within the saving clause of the original judiciary act conferring upon the Federal District Courts "exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, \* \* \* saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it." Act, Sept. 24, 1789, c. 20, section 9, 1 Stat. 73, 76. Jud. Code, section 24 (3), 36 Stat. 1087, 1091, c. 231. In October, 1917, Congress amended that act by adding "And to claimants the rights and remedies under the Workmen's Compensation law of any state". The original decision in the principal case was announced June 30, 1917. On the rehearing the court considered the October amendment applicable to the case. In the opinion on rehearing the court also sought to distinguish the case from the *Jensen Case*, in that the proceeding in the earlier case was against the ship while here it was against individuals. The court was in error in this; the *Jensen Case* was not a proceeding *in rem*. There was a further suggestion that the employment of the petitioner here was not maritime in nature, so there was no admiralty jurisdiction, and *Atlantic Transport Co. v. Imbrovek*, 234 U. S. 52, was explained on the ground that there the injured party was loading the ship while here he was unloading. That distinction the court, however, failed to observe had been foreclosed by the decision in the *Jensen Case* where the injured employee also was engaged in unloading.